



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BYONG KWON,

Plaintiff(s),

05 Civ 1142 (RJS) (DFE)

(This is ^{not} an ECF case.)

-against-

DANIEL J. YUN,
EMERGENT GROUP, INC., et al.,

Defendant(s).

ORDER OF DISCONTINUANCE

the default judgment against
Endurance Advisors, Limited and
Millenium Tradition Limited
(see Docket Item # 35)
is vacated; and

The parties having reached a resolution of this action, and the parties having agreed to this order, and the parties having consented to Magistrate Judge Eaton's jurisdiction for the limited purpose of entering this order,

IT IS HEREBY ORDERED that the above-captioned action be, and the same hereby is, discontinued with prejudice but without costs; provided, however, that on or before January 7, 2010 the plaintiff may apply to Magistrate Judge Eaton by letter (by fax and by mail) for restoration of the action to the calendar if the settlement is not effected, in which event the action will be restored to the calendar of the District Judge as to any defendant that does not comply with the settlement that was digitally recorded in Courtroom 18A on December 7, 2009.

SO ORDERED.

Douglas F. Eaton
DOUGLAS F. EATON
United States Magistrate Judge

Dated: New York, New York

December 8, 2009

USDC SDNY
DATE SCANNED 12/8/09